

Mark S. Kundla, Esq.  
NJ Attorney ID 027361981  
HARDIN, KUNDLA, MCKEON & POLETTO  
COUNSELLORS AT LAW  
A PROFESSIONAL CORPORATION  
673 MORRIS AVENUE  
SPRINGFIELD, NEW JERSEY 07081  
(973) 912-5222

Attorneys for Defendants, George's Foods, LLC, George's Family  
Farms, LLC and Tracy L. Brown

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JOSEPH FAILLA,	:	
	:	
Plaintiff,	:	Docket No. 3:20-cv-07109-BRM-
vs.	:	TJB
	:	
	:	Civil Action
GEORGE'S FOODS, LLC, GEORGE'S	:	
FAMILY FARMS, LLC, and TRACY L.	:	
BROWN,	:	
	:	<b>ANSWER, SEPARATE DEFENSES,</b>
Defendants.	:	<b>DESIGNATION OF TRIAL COUNSEL</b>
	:	<b>AND JURY DEMAND</b>
	:	

Defendants, GEORGE'S FOODS, LLC , GEORGE'S FAMILY FARMS AND TRACY L. BROWN, by way of Answer to the Complaint, say:

**NATURE OF CASE**

1. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph One of the Complaint.

2. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph Two of the Complaint.

3. These defendants deny the allegations contained in Paragraph Three of the Complaint.

**PARTIES**

4. These defendants have insufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph Four of the Complaint and leave plaintiff to his proofs.

5. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph Five of the Complaint.

6. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph Six of the Complaint.

7. These defendants have insufficient knowledge or

information to admit or deny the allegations contained in Paragraph Seven of the Complaint.

**VENUE AND JURISDICTION**

8. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph Eight of the Complaint.

9. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph Nine of the Complaint.

**FACTUAL ALLEGATIONS**

10. These defendants have insufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph Ten of the Complaint and leave plaintiff to his proofs.

11. These defendants have insufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph Eleven of the Complaint and leave plaintiff to his proofs.

12. These defendants have insufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph Twelve of the Complaint and leave plaintiff to his proofs.

13. These defendants have insufficient knowledge or information upon which to form a belief as to the truth of the

allegations contained in Paragraph Thirteen of the Complaint and leave plaintiff to his proofs.

14. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph Fourteen of the Complaint.

15. These defendants have insufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph Fifteen of the Complaint and leave plaintiff to his proofs.

16. These defendants deny the allegations contained in Paragraph Sixteen of the Complaint.

17. These defendants deny the allegations contained in Paragraph Seventeen of the Complaint.

18. These defendants deny the allegations contained in Paragraph Eighteen of the Complaint.

19. These defendants have insufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph Nineteen of the Complaint and leave plaintiff to his proofs.

**FIRST COUNT - NEGLIGENCE**

(Defendant Tracy Brown)

20. Defendants repeat and incorporate each and every response to the allegations contained within the preceding counts and makes the same a part hereof as if set forth herein at length.

21. These defendants deny the allegations contained in Paragraph Twenty-One of the Complaint.

22. These defendants have insufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph Twenty-Two of the Complaint and leave plaintiff to his proofs.

23. These defendants have insufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph Twenty-Three of the Complaint and leave plaintiff to his proofs.

24. These defendants have insufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph Twenty-Four of the Complaint and leave plaintiff to his proofs.

25. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph Twenty-Five of the Complaint.

26. These defendants deny the allegations contained in Paragraph Twenty-Six of the Complaint.

27. These defendants deny the allegations contained in Paragraph Twenty-Seven of the Complaint.

**SECOND COUNT - NEGLIGENCE**

(Defendants George's Foods, LLC)

28. Defendants repeat and incorporate each and every response

to the allegations contained within the preceding counts and makes the same a part hereof as if set forth herein at length.

29. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph Twenty-Nine of the Complaint.

30. These defendants deny the allegations contained in Paragraph Thirty of the Complaint.

31. These defendants deny the allegations contained in Paragraph Thirty-One of the Complaint.

32. These defendants deny the allegations contained in Paragraph Thirty-Two of the Complaint.

33. These defendants deny the allegations contained in Paragraph Thirty-Three of the Complaint.

**THIRD COUNTY - NEGLIGENCE**

(George's Family Farms, LLC)

34. Defendants repeat and incorporate each and every response to the allegations contained within the preceding counts and makes the same a part hereof as if set forth herein at length.

35. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph Thirty-Five of the Complaint.

36. These defendants deny the allegations contained in Paragraph Thirty-Six of the Complaint.

37. These defendants deny the allegations contained in

Paragraph Thirty-Seven of the Complaint.

38. These defendants deny the allegations contained in Paragraph Thirty-Eight of the Complaint.

39. These defendants deny the allegations contained in Paragraph Thirty-Nine of the Complaint.

#### **SEPARATE DEFENSES**

FIRST; The claim may be barred by the applicable statute of limitations.

SECOND: The injuries and damages, if any, sustained by the plaintiff was caused by their sole, contributory or comparative negligence and in plaintiff's failure to make proper observations and exercise reasonable care under the existing condition.

THIRD: Plaintiff's injuries and damages, if any, were caused by acts of third persons, entities or conditions over whom these defendants had no control and/or no duty to control.

FOURTH: While denying any negligence on the part of these defendants, should it be adjudged otherwise, then defendants' liability should be limited as provided by the terms and provisions of the Comparative Negligence Act, N.J.S.A. 2A:15-5.1, et. seq.

FIFTH: The damages, if any sustained by the plaintiff is barred or otherwise limited by virtue of the New Jersey Comparative Negligence Law, N.J.S.A. 2A:15-5.1, et seq.

SIXTH: The complaint fails to state a cause of action upon which relief can be granted as against these Defendants.

SIXTH: The complaint fails to state a cause of action upon which relief can be granted as against these defendants.

SEVENTH: The damages, if any, sustained by plaintiff were the result of an independent, intervening cause for which these defendants may not be held liable.

EIGHTH: These defendants did not violate any legal duty owed by these defendants to the plaintiff.

NIGHTH: These defendants did not proximately cause any injury or damage to the plaintiff.

TENTH: These defendants cannot be held vicariously liable to the plaintiff for acts of third persons who are not the agents, servants and /or employees of these defendants.

**JURY DEMAND**

Defendants, GEORGE'S FOOD, LLC, GEORGE'S FAMILY FARM AND TRACY L. BROWN, hereby demand a trial by jury of all issues herein.

HARDIN, KUNDLA, MCKEON & POLETTI,  
P.A.  
Attorneys for Defendants, George's  
Foods, LLC, George's Family Farms,  
LLC and Tracy L. Brown

By: \_\_\_\_\_  
Paul Daly, Esq.



DATED: July 14, 2020